

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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RED ROCK SOURCING LLC AND
CORONADO DISTRIBUTING LLC,

Plaintiffs,

Case No. 21-CV-01054-JPC

v.

JGX, LLC AND LIBERTY INTERNATIONAL
DISTRIBUTORS, LLC,

Defendants.

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**JGX, LLC'S ANSWER AND JURY DEMAND TO THE COMPLAINT
OF RED ROCK SOURCING LLC AND CORONADO DISTRIBUTING LLC AND
CROSS-CLAIMS AGAINST LIBERTY DISTRIBUTORS, LLC**

Defendant, JGX, LLC (“JGX”), as and for its Answer to the Complaint filed by the Plaintiffs, Red Rock Sourcing LLC and Coronado Distributing LLC (collectively, “Plaintiffs”) against JGX and Liberty International Distributors, LLC (“Liberty”) with this Court on February 5, 2021 (Doc 1) (the “Complaint”), sets forth:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 1 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure and refers to the laws, rules and statutes referenced therein.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 5, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 5, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 4, except refers to the laws, rules and statutes referenced therein and avers that this paragraph is not

a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 5, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint, refers to the laws, rules and statutes referenced therein and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 6.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 7, except refers to the laws, rules and statutes referenced therein.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 8.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 9.
10. Admits the allegations set forth in the paragraph of the Complaint marked and numbered 10.
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 11.
12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 12.
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 13, except refers to the ‘164 Registration referenced therein and Exhibit A thereto.
14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 14.
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 15, except refers to the ‘539 Application referenced therein and Exhibit B thereto.
16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 16, except refers to the ‘926 Application referenced therein and Exhibit C thereto.
17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 17.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 18, except refers to the ‘164 Registration, the ‘539 Application and the ‘926 Application referenced therein.
19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 19, except refers to the images referenced therein and Exhibit D thereto.
20. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 20.
21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 21.
22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 22.
23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 23 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 24.
25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 25 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 26.
27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 27.
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 28 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 29 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 30.
31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 31 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 32, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 32, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 34, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 35, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 36, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 37 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 38 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 39 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 40.
41. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 41.
42. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 42 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
43. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 43.
44. Admits the allegations set forth in the paragraph of the Complaint marked and numbered 44.
45. Admits the allegations set forth in the paragraph of the Complaint, except reserves the right to more specifically characterize the business of JGX, and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 46, except refers to the Purchase Orders referenced therein and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
47. Admits the allegations set forth in the paragraph of the Complaint marked and numbered 47, except respectfully alleges that upon information and belief, Rigz was all times an authorized agent for Plaintiffs.
48. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 48.
49. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 49 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 50, except admits that JGX had contact with a person known as David Amoyelle and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
51. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 51, except refers to the Purchase Orders referenced therein.
52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 52, refers to Exhibit E annexed thereto, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure and.
53. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 53.
54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 54 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 55 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 56, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 57, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 58, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 59, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 60, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 61.
62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 62, except reserves the right to more specifically characterize the business of JGX and specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 63, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 64, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 64, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 66, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 67, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 68, except refers to the FDA Order referenced therein for the content thereof, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 69 except refers to the FDA Order referenced therein for the content thereof.
70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 70, except refers to the FDA Order referenced therein for the content thereof, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 71, except refers to the FDA Order referenced therein for the content thereof, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 72, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
73. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 73, except refers to the FDA Order referenced therein for the content thereof, avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
74. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 74.
75. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 75 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

76. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 76.
77. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 77.
78. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 78 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
79. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 79 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
80. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 80, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
81. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 81 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 82 and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 83, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
84. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 84 and specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 85, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any

party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 86, except refers to the ‘164 Registration and specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
87. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 87, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
88. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 88, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
89. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 89, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

AS AND FOR JGX'S RESPONSE TO COUNT 1

90. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 90 as hereinbefore and hereinafter set forth.
91. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 91 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as To Liberty.
92. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 92 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
93. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 93 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
94. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 94 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

95. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 95 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
96. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 96 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S RESPONSE TO COUNT II

97. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 97 as hereinbefore and hereinafter set forth.
98. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 98 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
99. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 99 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
100. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 100 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
101. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 101 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
102. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 102 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
103. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 103 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
104. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 104 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S RESPONSE TO COUNT III

105. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 105 as hereinbefore and hereinafter set forth.

106. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 106 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
107. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 107 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
108. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 108 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
109. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 109 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
110. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 110 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
111. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 111 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S RESPONSE TO COUNT IV

112. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 112 as hereinbefore and hereinafter set forth.
113. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 113 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
114. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 114 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.
115. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 115.

AS AND FOR JGX'S RESPONSE TO COUNT V

116. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 116 as hereinbefore and hereinafter set forth.
117. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 117 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

118. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 118, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
119. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 119 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
120. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 120 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
121. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 121, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
122. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 122 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT VI

123. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 123 as hereinbefore and hereinafter set forth.
124. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 124.
125. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 125, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
126. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 126 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
127. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 127 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT VII

128. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 128 as hereinbefore and hereinafter set forth.

129. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 129.
130. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 130.
131. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 131.
132. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 132 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
133. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 133 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.
134. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 134, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.
135. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 135 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT VIII

136. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 136 as hereinbefore and hereinafter set forth.
137. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 137.
138. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 138.
139. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 139.
140. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 134, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint and avers that this paragraph is not a short, simple, and concise statement as required by the Federal Rules of Civil Procedure.

141. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 141 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

142. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 142 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT IX

143. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 143 as hereinbefore and hereinafter set forth.

144. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 144, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

145. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 145, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

146. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 146, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

147. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 147 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT X

148. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 148 as hereinbefore and hereinafter set forth.

149. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 149, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

150. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 150 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as Liberty.

151. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 151 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AS AND FOR JGX'S REPLY TO COUNT XI

152. Pleads to each and every allegation set forth in the paragraph of the Complaint marked and numbered 152 as hereinbefore and hereinafter set forth.

153. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 153.

154. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 154.

155. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the paragraph of the Complaint marked and numbered 155, except specifically denies that any act, conduct or omission of JGX renders JGX liable to any party herein for any claim or cause asserted in the Complaint.

156. Denies the allegations set forth in the paragraph of the Complaint marked and numbered 156 and denies knowledge or information sufficient to form a belief as to the truth of the allegations as to Liberty.

AFFIRMATIVE DEFENSES

First Affirmative Defense
As to Count I

157. Plaintiffs RICO claim against JGX is barred, in whole or in part, because Plaintiff fails to sufficiently allege, and cannot show that JGX knowingly and intentionally engaged in a pattern of predicate acts, or that JGX made fraudulent statements, upon which Plaintiff, or others reasonably relied.

Second Affirmative Defense
As to Count I

158. Plaintiff's RICO claim is barred, in whole or in part, because Plaintiff fails to sufficiently allege with the particularity required by [Fed. R. Civ. P. 9\(b\)](#), and cannot show that JGX knowingly engaged in a scheme to defraud Plaintiff, with intent to defraud, that money or property was the object of the scheme, and knowing use of the mails or wires by JGX to further the scheme. [*Bigs by v. Barclays Capital Real Estate, Inc., 170 F.Supp.3d 568 \(S.D.N.Y. 2016\); Colony at Holbrook, Inc. v. Strata G.C., Inc., 928 F.Supp. 1224 \(S.D.N.Y. 1996\).*](#)

Third Affirmative Defense
As to Count I

159. Plaintiff's RICO claim against JGX is barred, in whole or in part, because Plaintiff fails to sufficiently allege with the particularity required by [Fed.R.Civ.P. 9\(b\)](#), and cannot show specific allegedly fraudulent statements, by JGX as to Plaintiff, nor does it sufficiently allege, and cannot show specific intent to defraud Plaintiff by JGX. [Brookhaven Town Conservative Committee v. Walsh, 2017 WL 2590785](#) { E.D.N. Y. June 15, 2017); [New York State Catholic Health Plan. Inc. v. Academy O&P Assoc, 312 F.R.D. 278 \(E.D.N.Y. 2015\)](#); [Flexborrow LLC v. TD Auto Finance LLC, 2017 WL 26909655 \(E.D.N.Y June 16, 2017\)](#); [Town of I slip v. Datre, 2017 WL 1157188 \(E.D.N.Y. March 28,2017\)](#).

Fourth Affirmative Defense
As to Count I

160. Plaintiff's RICO claim is barred, in whole or in part, as Plaintiff has failed to sufficiently allege and there are no allegations of specific alleged fraudulent wires or specific mails being specifically sent or directed by JGX, through interstate commerce, with intent to defraud Plaintiff, outside New York State. [DeFazio v. Wallis, 500 F.Supp.2d 197 \(E.D.N.Y. 2007\)](#).

Fifth Affirmative Defense
As to Count I

161. Plaintiff's RICO claim is barred, in whole or in part, because Plaintiffs fails to sufficiently allege, and cannot show that JGX is a member of a RICO enterprise, as that term is defined in [18 U.S.C. § 1961](#).

Sixth Affirmative Defense
As to Count I

162. Plaintiff's RICO claim as to JGX is barred, in whole or in part, because Plaintiff fails to sufficiently allege, and cannot show that JGX engaged in, were part of, or operated in an ongoing organization, or as a continuing unit, that JGX directed any of the actions of the organization, or that a hierarchy existed, and cannot be deemed or found to be a RICO enterprise.

Seventh Affirmative Defense
As to Count I

163. Plaintiff's claim of conspiracy to violate other RICO sections pursuant to [18 U.S.C. § 1962\(d\)](#), is barred, in whole or in part, because Plaintiff has failed to sufficiently allege, and cannot show that JGX knowingly agreed to, and actually did participate in any fraudulent scheme, or racketeering activity as to Plaintiff, or that JGX knowingly agreed to conspire with any other defendant to breach a provision of RICO.

Eighth Affirmative Defense
As to Counts II-XI

164. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, because any use by JGX of Plaintiff's trademark was in good faith and without knowledge of Plaintiff's right to the trademark.

Ninth Affirmative Defense
As to Counts II-XI

165. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, because JGX's use of Plaintiff's trademark does not cause any actual confusion.

Tenth Affirmative Defense
As to Counts II-XI

166. Plaintiff's claim for unjust enrichment is barred, in whole or in part, because Plaintiff fails to specifically allege, and cannot show that equity and good conscience require restitution by any of JGX, or that JGX obtained any benefits, or that this claim is not duplicative of Plaintiffs other claims, including its contract claim.

Eleventh Affirmative Defense
As to Counts II-XI

167. Any damages alleged to have been incurred by Plaintiff were caused, in whole or in part, by Plaintiffs own conduct, and not as the result of any conduct by answering Defendants.

Twelfth Affirmative Defenses
As to All Counts

168. Plaintiff's Complaint fails to state a claim or cause of action as to JGX upon which proper and appropriate relief can be granted.

Thirteenth Affirmative Defense
As to All Counts

169. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, based upon the doctrines of waiver, estoppel or ratification, as upon information and belief, all or part of the actions of JGX, were explicitly, implicitly, or tacitly approved by Plaintiff and/or Plaintiff's authorized agents.

Fourteenth Affirmative Defense
As to All Counts

170. Plaintiff's Complaint, and the claims and causes of action alleged therein, are

barred, in whole or in part, based upon the doctrine of unclean hands.

Fifteenth Affirmative Defense
As to All Counts

171. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, because JGX's actions are and have been innocent and non-willful.

Sixteenth Affirmative Defense
As to All Counts

172. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, because Plaintiff fails to name a necessary party.

Seventeenth Affirmative Defense
As to All Counts

173. Plaintiff's Complaint, and the claims and causes of action alleged therein, are barred, in whole or in part, because Plaintiff fails to name an indispensable party.

Eighteenth Affirmative Defense
As to All Counts

174. Plaintiffs Complaint is barred, in whole or in part, because Plaintiff failed to mitigate any alleged damages.

Nineteenth Affirmative Defense
As to All Counts

175. Plaintiff is barred from recovery, in whole or in part, in that any damages sustained by Plaintiff was the proximate result of Plaintiffs own conduct, or the intervening, negligent conduct or willful misconduct of independent third parties, and not acts or omissions of JGX.

Twentieth Affirmative Defense
As to All Counts

176. Red Rock is not a proper party plaintiff

Twenty-First Affirmative Defense

177. JGX reserves its right to assert such other and related defenses as may become available or appropriate as a result of, or during discovery in this case, and specifically reserve the right to amend their Answer to assert any such defenses.

JURY DEMAND

Pursuant to [Fed.R.Civ.P. 38](#), JGX, demands a jury trial for all claims, defenses and issues in this action for which JGX is or may be entitled under law.

CROSS-CLAIM BY JGX, LLC AGAINST LIBERTY INTERNATIONAL DISTRIBUTORS, LLC

The Parties

1. Cross-claim Plaintiff, JGX, LLC (“JGX”) is a New York limited liability company engaged in the business of manufacturing and selling wholesale goods and apparel.
2. Upon information and belief, cross-claim Defendant, Liberty International Distributors, LLC (“Liberty”) is a New York limited liability company engaged in the business of manufacturing and distributing wholesale goods.

Jurisdiction and Venue

3. This Court has personal jurisdiction over Liberty, including under N.Y.C.P.L.R. Sections 301 and 302, because, upon information and belief, Liberty is a citizen of this State; have regularly transacted, and continue to transact, business in this State; and/or contracted to supply goods and/or services in this State.
4. The exercise of personal jurisdiction over these Defendants comports with due process.
5. The Court has jurisdiction over this cross-claim pursuant to [15 U.S.C. § 1121 \(a\)](#) and [28 U.S.C §§ 1331, 1338, and 1367](#), and principles of supplemental, ancillary, and pendant jurisdiction, [28 U.S.C. § 1367\(a\)](#).
6. Venue is proper in this judicial district and Court pursuant to 28 U.S.C. § 1391 because a substantial part of the acts complained of herein occurred in this judicial district, and Liberty is subject to personal jurisdiction in this judicial district as aforesaid.

FIRST CROSS-CLAIM Equitable Indemnity

7. JGX incorporates the allegations in paragraphs 1 through 6 of this Cross-claim as though fully set forth herein.
8. JGX has admitted and denied the allegations in the Complaint and has plead certain affirmative defenses as set forth above.
9. JGX is not responsible for some or all of the acts alleged in the Complaint or any possible future cross-claims or counterclaims filed by any person or entity in this action.

10. Upon information and belief, the alleged liability of JGX as set forth by Red Rock Sourcing LLC and Coronado Distributing LLC (collectively, "Plaintiffs") in the Complaint, if established, would be a direct and proximate result of the conduct of Liberty or other necessary and/or indispensable parties to the action.
11. JGX is entitled to a partial or full indemnity from Liberty for any sums paid as a result of any damages, judgments or other awards recovered by Plaintiff against JGX, and for all other loss or damage that JGX may sustain because of any claims asserted against it, including costs and attorney's fees incurred to date and any additional costs and expenses in the defense of this action, including costs of investigation and reasonable attorney's fees.
12. The exact amount of JGX's damages is not known at this time, and JGX seeks leave to set forth the full amount of its damages pursuant to the pretrial procedures of this court and the Federal Rules of Civil Procedure.
13. JGX, by filing of this Cross-claim, hereby notifies Liberty of its tender of the defense and indemnity of this action.
14. The cross-claims of JGX arise out of and are part of the same transaction or occurrences as alleged in the Complaint, and the determination of all claims in one proceeding is necessary and appropriate in order to avoid the multiplicity of actions that will result if JGX were required to defend the claims of Plaintiff, and then bring a separate action against Liberty, or other necessary and/or indispensable parties to the action, for indemnification of any sum or sums which JGX may be compelled to pay as a result of any damages, judgment or other awards recovered by Plaintiff in this action.

SECOND CAUSE OF ACTION
Equitable Contribution

15. JGX incorporates the allegations contained in Paragraphs I through 14 of this Cross-claim as though fully set forth herein.
16. JGX has denied any responsibility whatsoever with respect to the liability for damages allegedly incurred by Plaintiff.
17. If it should be found by this court that JGX is in some manner liable to Plaintiff, then some or all damages found to have been sustained by Plaintiff or any other party in this action were proximately caused or contributed to by the conduct of Liberty or other necessary and/or indispensable parties to the action.
18. It is necessary that a prorated degree of negligence and/or fault, or other culpable conduct of Liberty be determined and prorated so that JGX will not be required to pay more than its prorated share of any judgment or other award recovered by Plaintiff or any other

party against JGX, if any, and to pay only according to the degree of negligence and/or fault attributed to JGX.

THIRD CAUSE OF ACTION
Declaratory Judgment

19. JGX incorporates the allegations contained in Paragraphs 1 through 18 of this Cross-claim as though fully set forth herein.
20. An actual controversy exists between JGX on the one hand and Liberty on the other hand in that JGX contends that if it is to be held liable to plaintiff or on any other crossclaim, Liberty is jointly and severally liable to JGX for full or partial indemnification and/or equitable contribution and the payment of JGX's reasonable attorney's fees and costs incurred in defense of this action.
21. JGX requests declaratory judgment that Liberty is required to defend it in connection with Plaintiffs claims and to further provide for full or partial indemnification and/or equitable contribution in connection with any liability that may be adjudged against JGX.
22. Such a determination is appropriate and necessary in that JGX has no adequate or speedy remedy at law and the request of judicial determination will avoid a multiplicity of suits, resulting in judicial economy and furtherance of the interest of justice.

DEMAND FOR RELIEF

WHEREFORE, JGX demand that the Court enter judgment dismissing the Complaint in its entirety as against JGX, and/or requests judgment against Liberty as set forth in the Cross-Claims and for such other and further relief to which JGX may be entitled to in law and equity, including recovery of its costs and attorneys' fees.

Dated: March 24, 2021
New York, New York

LAZARUS & LAZARUS, P.C.,
Attorneys for Defendant, JGX LLC

By: /s/ Harlan M. Lazarus
Harlan M. Lazarus, Esq.
240 Madison Avenue, 8th Floor
New York, New York 10016
(212) 889-7400
hlazarus@lazarusandlazarus.com